

# **Exhibit 4**

Declaration of Eric Cheung.

## DECLARATION OF ERIC CHEUNG

I, Eric Cheung, being of full age, affirm under penalty of perjury as follows:

1. I am more than 18 years old, am competent to testify, and have personal knowledge of the matters stated in this declaration.
2. I am the Deputy Director at the Clean Air Council (Council). I have held this position since 2013.
3. As the Deputy Director, I am involved in managing the organization at a high level. We work to protect human health and the environment from threats posed by environmental toxins, contamination, and air pollution. In my role, I am kept apprised of the Council's work to reduce threats from toxic and industrial pollution, including from the Shell Chemical Appalachia LLC (Shell) Polymers Monaca plant in Beaver County, Pennsylvania (Plant).
4. I have also been a member of the Council since 2001.
5. The Council is a member-supported, non-profit environmental organization established in 1967 and dedicated to protecting everyone's right to a healthy environment. The Council has thousands of members located in Pennsylvania.
6. The Council focuses on a broad array of related sustainability and public health initiatives, using public education, community action, government oversight, and enforcement of environmental laws. The Council's effectiveness depends in large part on the support of its members. The Council is Philadelphia's oldest environmental non-profit and also has offices in Pittsburgh and Wilmington.
7. Recognizing that everyone has a right to breathe clean air and live in a healthy environment, the Council works on behalf of itself and its members to secure a healthy and

thriving future for everyone in the region. On behalf of the Council, I strive to represent the interests of our members in areas affected by industrial air pollution, and I am concerned about how poor air quality impacts our members, their families, and the environment that they enjoy.

8. In support of its mission, the Council advocates, educates, and litigates to enforce and sustain environmental laws, including the Clean Air Act and the Pennsylvania Air Pollution Control Act. For example, the Council works to strengthen and enforce air pollution permits issued to industrial facilities under the Clean Air Act so that they comply with the law, reduce air pollution, protect public health, and ensure that state and federal decisionmakers fully consider and publicly disclose the impacts to human health and the environment that result from their decisions. The Council also works to advance public programs and campaigns to combat the extensive risks that industrial and toxic pollution pose to public health, ecosystems, sustainable food systems, and environmental health.

9. Much of the Council's work centers on ensuring that Southwest Pennsylvania transitions from having one of the dirtiest airsheds in the nation to one of the cleanest. For about a decade, the Council has been engaging with the Beaver County community to protect it from dangerous pollution from the Shell Plant.

10. As part of this work, the Council is concerned that the Shell Plant is emitting illegal air pollution.

11. I believe effective enforcement of our environmental laws, such as the Clean Air Act and the Pennsylvania Air Pollution Control Act, are essential to protecting people and the environment. The Council and our members are injured by the Shell Plant's illegal air pollution because it runs directly counter to the rule of law that I believe keeps us safe. I believe that Shell's illegal air pollution will harm human health and the environment.

12. The Council provided detailed comments on significant legal and technical deficiencies in the draft Clean Air Act permit to construct the Shell Plant that the Pennsylvania Department of the Environment (“DEP”) published for public comment on May 15, 2015.

13. The Council and the Environmental Integrity Project appealed DEP’s issuance of the final Clean Air Act permit to construct the Shell Plant to the Pennsylvania Environmental Hearing Board on August 3, 2015 due to significant legal and technical deficiencies in the permit. On August 25, 2017, the Council and the Environmental Integrity Project entered into a settlement agreement with Shell that requires, among other things, Shell to conduct certain kinds of air monitoring at the Shell Plant for benzene, 1,3-butadiene, n-hexane, naphthalene, toluene, and non-methane, non-ethane, volatile organic compound (“NMNEVOC”); conduct field investigations when certain action levels are exceeded; and post this air monitoring data to a publicly-accessible website. The settlement agreement also includes design, operation, and recordkeeping requirements for flares at the Shell Plant.

14. In addition to providing written notice to Shell of the Council’s intent to initiate a lawsuit in federal court for violations of federal and state clean air laws and Shell’s Clean Air Act construction permit in February 2023, the Council sent a letter to DEP urging DEP to temporarily halt operations at the Shell Plant until Shell can demonstrate compliance with the law.

15. The interests of the Council and its members are harmed by the Shell Plant’s illegal air pollution. As an organization, the Council is particularly concerned about air pollution from facilities in the petrochemical industry, because this air pollution can degrade air quality, threaten human and environmental health, and impair our members’ recreational and aesthetic interests. These concerns are exacerbated by Shell’s illegal air pollution from the Plant. The Council is concerned that Shell’s air pollution directly and indirectly harms public health and the

environment, thereby impairing the Council's ability to advance its mission and protect the interests of its members.

16. The Council has more than 50 members who live in Beaver County, Pennsylvania, and members of the Council live, work, and recreate within half of a mile to six miles of the Shell Plant. When they are at their homes or recreating near the Plant, members of the Council worry that they are breathing in illegal air pollution from the Plant, including volatile organic compounds (VOCs), nitrogen oxides (NOx), carbon monoxide (CO), particulate matter (PM), benzene, and possibly other pollutants released from the Plant.

17. VOCs contribute to smog and the creation of ozone, which can cause health problems like reduced lung function, aggravation of asthma, and respiratory illness. NOx can cause health problems like irritation of the eyes, nose, throat, and lungs, and can trigger shortness of breath, asthma attacks, and nausea.

18. The Shell Plant's flares are supposed to burn off pollution before it enters the atmosphere. When flares are not operated properly, however, they can emit black smoke that contains PM and other harmful air pollutants. PM can cause serious health problems, including respiratory symptoms like coughing and difficulty breathing, aggravation of asthma and chronic bronchitis, heart problems, increased risk of lung cancer, and premature death.

19. Benzene, a VOC and a carcinogen that is emitted by Shell, causes a variety of serious health problems including anemia, nervous system damage, suppression of immune systems, and leukemia.

20. Members of the Council are aware that Shell has violated and continues to violate limits in the Plant's air pollution permits that are meant to protect air quality and public health. These members receive and engage with information about the Shell Plant, including the Plant's

air pollution, flaring, black smoke, and wastewater treatment emissions. Through attending meetings and engaging with their community and the Council, members of the Council know that Shell's Plant emits various air pollutants, including VOCs, NOx, CO, PM, and benzene.

21. For example, two Council members want to sell their new home, which they bought to enjoy their retirement near family, because the Plant's air pollution has made living in their home intolerable. Their home is within half a mile from the Shell Plant and has a clear view of the Plant from the deck and living room. They have seen the Plant flaring from their home and have been home when black smoke emitted from the Plant blew toward them and filled their home with a bad odor. When this happens, they do not go outside, but instead take action to close up their house and air out the bad odor once the event is over. When they see the Plant flaring, they go inside or do not go outside in the first place. The Plant's air pollution disrupts their ability to spend time outside at their home, like on their deck and in their garden, and prevents them from enjoying time with family and other guests outside their home.

22. Another Council member, who bought a home with her husband in Beaver in 2021 with the intention of starting a family and found a job she enjoys, is now actively planning to sell her home and move away before starting a family to avoid exposing her children to the Plant's air pollution. The member's home has a clear view of the Plant from less than one mile away. She visually checks whether the Plant is flaring before leaving the house and frequently documents and reports her observations, including flaring, when she would otherwise be relaxing after work. If she ever sees black smoke coming from the Shell Plant, she will not go outside, and if she is already outside when she sees it, she will go inside.

23. Another Council member has lived in Beaver for fourteen years and is planning to sell her home to minimize her family's exposure to the air pollution from Shell's Plant that is less

than 1.5 miles away. She has observed the Plant flaring and emitting black smoke. She can see flares at the Plant from the sidewalk in front of her house, while walking her dog, and when she drives throughout Beaver County. This member also suffered headaches, nausea, and exhaustion related to the odor and emissions from the Plant's wastewater treatment plant in April 2023. She responded to the strong odors by keeping the windows in her house closed and staying inside more than she would have liked to. This member hesitates to go outside, including to work in her garden, and she thinks twice about whether to open the windows in her home because she worries about exposure to the Plant's air pollution. This member warns guests before they arrive that they may be exposed to air pollution from the Plant while they are at her home.

24. Another Council member, who has asthma, is concerned about how the Plant's air pollution could impact her and her family's health, including her young daughter. The Plant's air pollution, including flaring and black smoke, is interfering with this member's ability to spend quality time with her daughter outside. This member has decided to stay inside her home, rather than enjoy time outside with family, to avoid exposure to the Shell Plant's air pollution during a flaring event. She regularly visits Beaver with her daughter to visit the library and a bakery, and to walk along River Road to play at a playground and view the Ohio River within 1 to 2.5 miles from the Shell Plant. If Shell's Plant were to emit black smoke from flaring while she is in Beaver, this member would leave the area to minimize their exposure to the Plant's air pollution. This member regularly spends about half an hour investigating incidents at the Plant so she can determine whether it is safe to go outside or travel into Beaver.

25. Another Council member is concerned that being outside could negatively affect her health because she may be exposed to air pollution from the Shell Plant. This member monitors her exposure to air pollution from the Shell Plant by checking the outdoor air quality

monitors at her place of work, located approximately 5.5 miles from the Shell Plant, before stepping outside and she keeps N95 masks with her gardening supplies. She regularly checks the Pittsburgh news media for notices of weather inversions that would trap the Plant's air pollution in the Ohio River Valley and increase her risk of exposure to harmful emissions. During weather inversions this member closes all the windows and does not go outside in order to avoid exposure to the Plant's air pollution. This member is also concerned that air pollution from the Plant may be impacting her garden, which she uses to grow produce for donation to her community.

26. Another Council member lives within two miles of the Shell Plant and is the primary caretaker for his wife who has had numerous health problems including cancer, diabetes, and a collapsed lung. To avoid exposure to the Plant's air pollution, this member has stopped spending as much time with his wife on their porch outside watching birds and other wildlife compared to before the Plant began operating. This member has observed the Plant's black smoke emissions on several occasions. When the Shell Plant's wastewater treatment plant released odors and emissions into the surrounding area in April 2023, this member observed the odor and suffered from headaches and nausea. This member's children have expressed that they are reluctant to visit him and his wife at their home because of the Shell Plant's air pollution, flaring, and black smoke emissions.

27. Shell's illegal air pollution threatens public health and the environment and harms the interests of the Council and its members. If Shell were forced to reduce the Plant's illegal air pollution and come into compliance with the requirements of the Clean Air Act, Pennsylvania Air Pollution Control Act, and Shell's Clean Air Act permit, the interest of the Council's members would be better protected.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Executed on May 10, 2023.



Eric Cheung  
Philadelphia, Pennsylvania